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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,301	09/03/2003	Steven J. Ross	GP-303673/GP-303674 (2760)	4415
286 7590 02/01/2008 GENERAL MOTORS CORPORATION LEGAL STAFF MAIL CODE 482-C23-B21 P O BOX 300 DETROIT, MI 48265-3000			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/654,301

Applicant(s)

ROSS ET AL.

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/08/08 (the RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the answer for a RCE filed on 1/08/2008. Claims 1-6, 8-16, 18-26 are pending.

Drawings

2. 6 sheets of formal drawings are filed.

Response

3. The current examiner withdraws the patentable claims decided by the previous examiner on claims 3-6, 13, and 15 AND (Claims 8-10, 18-20, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims) mailed on 6/21/2007 due to a reason (as quoted in Reason for Allowance) of:

The following is a statement of reasons for the indication of allowable subject matter (from previous examiner's opinion):

Prior arts of record do not disclose a method disclosed in claims 3-6, 13, 15 or in claim 1 in combination with claim 8-9, or 10 or 18-19, or 20 or 22 or 24 in which the call center sends an update flag signal from the call center to the telematics unit prior to the telematics unit sending a vehicle settings update signal to the call center as taught in claim 3 or 5.

The current examiner submits that there is no incredible step (that is, claimed steps are well-known) in: A (a call center) sends a signal (i.e., update flag signal) to B (a telematic unit) before B send a message (i.e., a vehicle setting update signal) to A. This type of communication between two parties is common. Independent claims 3, 5, and

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13, 15 are allowed because contains that "allowable" feature; therefore, they are not patentable in the current examiner's opinion.

And from the previous examiner's opinion:

"Also, prior arts of record does not disclose **determining** download **status of the telematics unit** and associated components **based on** the download **reply** from the telematics unit which transmits the download reply in response to the download requirement transmitted to the telematics unit as taught in claim 8";

Merely determining a status of B based on a required reply from B is not incredible step – the current examiner interpreted.

And from the previous examiner's opinion:

"Moreover, prior arts of record do not disclose **determining** **store status** for the vehicle settings when the download status of the telematics unit and associated components "is negative", and either storing or deleting the vehicle settings according to the positive or negative store status as taught in claim 10".

This is interpreted as: if there is nothing sending back (negative response), then determining a store status (yes/no answer), and either storing or deleting vehicle settings. This claimed feature is not patentable.

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Claims 13, 14-15, 18 or 20 disclose similar method to be implemented in a computer readable medium. They were allowed on that feature; therefore, these allowance are withdrawn.

4. Per claims 11-16, and 18-20: They are clearly directed to a physical medium comprise computer readable code (i.e., see claims 11 line 3, 4, 8, 10; see claim 13 lines 3, 5, 7; see claim 15 lines 3, 5, 7, 10; see claim 18 lines 3, 5, 7, 9, 11, and 13); the examiner requests a best mode being disclosed when claiming about "computer readable code"; in other words, a support for these codes are requested.

5. Per new claim 26: It is directed to a physical system comprises structural limitations. The examiner is unclear and vague of how "a computer readable code" (see claim 26, line 5) has a structural relationship to other physical components in claimed system?

Conclusion

6. Pending claims are not patentable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm (Mon. – Tues., and Thurs. – Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
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